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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,093	02/08/2001	Davin G. Saderholm	14094	1672

7590

05/14/2002

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8X

Office Action Summary	Application No.		Applicant(s)	
	09/779,093		SADERHOLM ET AL.	
	Examiner		Art Unit	
	Ruth Ilan		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 and 45 is/are rejected.
- 7) ☒ Claim(s) 43, 44, 46 and 47 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

Art Unit: 3616

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 3616.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 8-14, 18, 20-34, 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, "a second lateral surface of the vehicle" has been recited. This limitation is confusing, because no first lateral surface has been recited in this claim or in claim 1, from which it depends. Regarding claims 8, 9, 12, 18, 21, 22, 24, 25, 26, and 27, the limitations regarding "fabricated separately" (in claims 8, 9, 21, 24, and 26) and the various limitations regarding sewing and welding (in the remaining listed claims) appear to be directed to a method of making an apparatus, and as such it is unclear if the intended scope of the claims is directed to the apparatus, or the method of making the apparatus. For the purposes of examination, it will be assumed that these limitations are intended as "product-by-process" limitations, and the claims are directed to the apparatus. Regarding claim 38 and the recitations "a first end of the first sail portion" and "a second end of the first portion", in lines 2 and 3, both instances of "a" should be amended to "the" since these elements have already been recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Neidert (US 6,176,513 B1) Neidert (Figure 3) teaches a safety restraint apparatus for protecting occupants of a vehicle including first and second cushion portions (13,17) positioned proximate first and second lateral surfaces (front and rear windows) so as to protect an occupant of a front and rear seat, respectively. Also included is a sail portion (unnumbered thinner portion between 17 and 13, marked by the Examiner in Figure 3) Regarding claims 4-7, Neidert teaches a plurality of struts anchored between opposite sides of the first and second portions.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3616

7. Claims 8,9, 19-21, 24, 35-37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1). Neidert is discussed above, and teaches all elements of the claimed invention, except that the air bag of Neidert is a one-piece construction, and does not include first and second cushion portions that are separate pieces from the sail portion. It would have been obvious to one having ordinary skill in the art at the time of the invention to make the one-piece air bag of Neidert in three separate pieces, including a first, second, and sail portion, in order to provide a manufacture that does not require large sizes of stock material. Additionally, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Regarding claims 19-21 and 45 Neidert fails to teach a second sail portion and a third cushion portion that extends to the D-column of a vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to extend the air bag Neidert to the extra seat in a vehicle with a D-column, in order to provide protection for passengers in a vehicle with a third seat, and because it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Additionally it would have been obvious to extend the device in the claimed manner, that is by the addition of a sail portion, and then a third cushion portion, because Neidert teaches that the sail portion is usefully thin so as to provide an air bag that does not require a large quantity of inflation fluid for those areas that do not require protection (28, see col. 2, lines 30-34.)

Art Unit: 3616

8. Claims 26 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1) in view of Mangold et al. (US 6,217,060 B1.) Neidert is discussed above and additionally teaches a source of pressurized gas (21) and a supply tube (25) connected between a first cushion portion (for instance, 17) and the source of gas. Neidert, however is silent regarding the flexibility of the supply tube, although it certainly appears flexible, since it follows the line of the roof, and bends. Mangold et al. teaches that it is known to provide a gas supply pipe (9) of a flexible material in order to allow the supply pipe to conform to the dimensions of the roof line, and to provide a gas pipe that can be used in various configurations (see col. 3, lines 40-44.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include a gas supply pipe of flexible material as taught by Mangold et al. with the air bag of Neidert, in order to allow the supply pipe to conform to the dimensions of the roof line. Regarding claim 34, the cushion and the supply tube of Mangold et al. are constructed of different material, as seen in Figures 1 and 2, the air bag is a cloth material, and the supply tube is a flexible pipe material. Regarding claims 32 and 33 the first cushion portion has a port, since the supply tube is seen on the exterior of bag and the into the interior of the gas bag (as taught in col. 3, line 13.) Additionally, while both Mangold et al. and Neidert are silent regarding the connection at the tube port, it would have been obvious to one having ordinary skill in the art at the time of the invention to make such a connection gas tight, in order to provide sufficient inflation of the air bag, and so as not to release hot and abrasive fumes into the interior of the vehicle.

Art Unit: 3616

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1) in view of Mangold et al. (US 6,217,060 B1.) as applied to claim 26 above, and further in view of Jost (US 5,899,489.) Neidert in view of Mangold et al. is discussed above, and teaches all elements of the claimed invention, however is silent regarding the particular attachment method of supply tube to the air bag. Jost, (Figures 20a and b) teaches that it is known in the art to provide a sewn or welded connection between at the intake to an air bag. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a sewn or welded connection as taught by Jost, to the air bag and supply tube of Neidert in view of Mangold et al., in order to provide a fixed connection to mitigate leakage.

10. Claims 15-17 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1) in view of Veiga et al. (US 6,239,046 B1) Neidert is discussed above and fails to teach polyurethane coating of the variously claimed internal and external surfaces of the first, second, and sail portions. Veiga et al. teaches coating the internal and external surfaces of an air bag with polyurethane (14) as part of a coating process in order to provide superior heat resistance. It would have been obvious to one having ordinary skill in the art at the time of the invention to treat the internal and external surfaces of the air bag of Neidert with polyurethane, as taught by Veiga et al., in order to provide superior heat resistance during deployment of the air bag.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1) in view of Mangold et al. (US 6,217,060 B1) and Jost (US

Art Unit: 3616

5,899,489.) as applied to claim 27 above and further in view of Veiga et al. (US 6,239,046 B1) Neidert in view of Mangold et al. and Jost is discussed above and teaches all elements of the claimed invention except does not teach polyurethane coating of the inner portion of the first portion. Veiga et al. teaches coating the internal and external surfaces of an air bag with polyurethane (14) as part of a coating process in order to provide superior heat resistance. It would have been obvious to one having ordinary skill in the art at the time of the invention to treat inner surface of the air bag of Neidert in view of Mangold et al. and Jost with polyurethane, as taught by Veiga et al., in order to provide superior heat resistance during deployment of the air bag.

Allowable Subject Matter

12. Claims 43, 44, 46 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 10-14, 18, 22,23,25, 29-31, 38 and 39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Woo et al. teaches a coating of interest, Öhlert et al., Riedel et al., DE 200 07 937 U1, Larsen et al., Tietze et al., Radke and Balser et al. teach side

Art Unit: 3616

mounted air bags of interest. Heudorfer et al. teaches treating an air bag weld regionally with a polyurethane coating. Ragno et al. teaches a welded connection of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RI
May 3, 2002

Ruth Ilan
5/3/02

Eric Culbreth
ERIC CULBRETH
PRIMARY EXAMINER

5/6/02